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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,779	02/04/2002	Thomas Odorfer	298-141	9337
28249	7590	11/15/2004	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/936,779	ODORFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 28-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Intended Use Limitations: A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art – if the prior art has the capability to so perform (see MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987). Thus the claim limitations in the examined claims that employ phrases of type: “FOR” doing something, e.g. ‘means are provided for’, ‘a first subscriber number is provided for’, ‘at least one storage area (cache) is provided for’, ‘two subscriber calls are allocated for’, etc. These are typical of claim limitations, which may not distinguish over the prior art. The references noted below have the structure and functions of performing the claimed limitations.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-54 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,568,153 by Beliveau.

Regarding claim 28, Beliveau discloses a communication system for a mobile radio telephone system having at least one network unit or MSC which serves a predetermined overall area, wherein at least one subscriber area (e.g. a home area) within this overall area is stipulated and has allocated at least one subscriber number, **at least one radio cell is arranged in the overall area and transmits a signal containing coordinates, and means are provided for**

**calculating whether the coordinates transmitted by the radio cell responsible for transmission lie within the subscriber area** (see Abstract; Figure 1; see Figure 2; column 4, lines 49-61; column 5, lines 15-35).

Regarding claim 29, the communication system according to claim 28, wherein Beliveau further discloses four subscriber areas are provided (see Figure 1), with the first subscriber area preferably being allocated to a home location of a user, and the second subscriber area preferably being allocated to a business location of the user (column 1, lines 30-42).

Regarding claim 30, a communications system according to claim 28, wherein Beliveau further discloses individual subscriber areas can overlap selected subscriber areas (see Figure 1; column 3, line 62 – column 4, line 28).

Regarding claim 31, a communications system according to claim 28, wherein Beliveau further discloses the subscriber areas have varying application priorities (column 1, lines 30-46; column 3, lines 21-37).

Regarding claim 32, a communications system according to claim 28, wherein Beliveau further discloses the subscriber area is inherently entered in a subscriber identity module (SIM) (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM mobile phone that includes the identification of the subscriber.

Regarding claim 33, a communications system according to a claim 28, wherein Beliveau further discloses the subscriber area comprises several radio cells and/or serves several mobile user units (see Figure 1; column 3, line 62 – column 4, line 4).

Regarding claim 34, a communications system according to claim 28, wherein Beliveau further discloses a first subscriber number is inherently intended for a mobile subscriber number and a second subscriber number is provided for a geographic number, e.g. the telephone number is used for a subscriber's house (column 4, lines 20-23; column 4, lines 29-61).

Regarding claim 35, a communications system according to claim 34, wherein Beliveau further discloses in which at least one storage area (cache) is inherently intended for the subscriber area on a subscriber identity module (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM mobile phone that includes a memory for data.

Regarding claim 36, a communications system according to claim 28, wherein Beliveau further discloses the subscriber area is stipulated via a location point and a location radius (column 4, lines 49-61).

Regarding claim 37, a communications system according to claim 28, wherein Beliveau further discloses the local radius is determined by scanning several radio cells situated around the location and the local radius is measured as a function of reception strength; wherein several methods of locating mobile stations in a cellular network are known and may be utilized with the personal home areas and the MSC collects the cell information (position, antenna type, and radius) to determine if the subscriber's call is set up in the Home area (column 5, line 34 - column 6, line 28).

Regarding claim 38, a communications system according to claim 28, wherein Beliveau further discloses a fixed station or several fixed stations is/are additionally provided within the subscriber area; wherein several methods of locating mobile stations in a cellular network are

known and may be utilized with the personal home areas and the MSC collects the cell information (position, antenna type, and radius) to determine if the subscriber's call is set up in the Home area (column 4, lines 29-61; column 5, line 34 - column 6, line 28).

Regarding claim 39, a communications system according to claim 38, wherein Beliveau further discloses a location point is coincidental with the position of the fixed station (column 4, lines 29-61; column 5, line 34 - column 6, line 28).

Regarding claim 40, a communications system according to claim 28, wherein Beliveau further discloses a display is provided in a user unit or mobile phone to indicate whether the user unit is located within the subscriber area; wherein the user unit is a GSM mobile phone in a GSM network wherein a display on the phone will show whether the subscriber is located within the subscriber area (column 4, lines 49-61; column 6, lines 59-61).

Regarding claim 41, a communications system according to claim 28, wherein Beliveau further discloses a global system for mobile communications (GSM) is used (column 6, lines 59-61).

Regarding claim 42, a communications system according to claim 41, wherein Beliveau further discloses a first and a second code are provided, whereby the first code signals whether the user unit is authorized for the subscriber area (Figure 4, 34) and a second code signals whether a stipulation has already taken place relative to the subscriber area (Figure 4, 35; column 6, lines 29-58).

Regarding claims 43 and 44, please see the rejection of claim 28 above, to reject the method of claims 43-44.

Regarding claim 45, the method according to claim 44, wherein Beliveau further discloses the subscriber area is stipulated by a) specifying a location (column 5, lines 15-35); b) measuring local radius using a graphic information system (GIS) with a database containing locations and considering that the local radius contains several radio cells (column 4, lines 1-11; column 5, lines 23-45; column 6, lines 39-43); c) inherently storing the location and local radius in a network unit file (column 1, line 40 – column 2, line 3); and d) transmitting the location and local radius to a subscriber detection module of a user unit or mobile phone (column 4, lines 49-61; column 6, lines 59-61); wherein the communication system is a GSM network and the SIM is a key element in a GSM mobile phone that includes the identification of the subscriber.

Regarding claim 46, the method according to claim 43, wherein Beliveau further discloses the subscriber area is stipulated by a user unit (column 5, lines 14-21).

Regarding claim 47, the method according to claim 46, wherein Beliveau further discloses the subscriber area is stipulated by a) checking a first and second code, wherein the first code signals whether the user unit is authorized for the subscriber area, and the second code signals whether a stipulation has already taken place relative to the subscriber area (Figure 4, 35; column 6, lines 29-58); b) inherently selecting the radio cells present around the user unit based on signal strengths; wherein several methods of locating mobile stations in a cellular network are known and may be utilized with the personal home areas and the MSC collects the cell information (position, antenna type, and radius) to determine if the subscriber's call is set up in the Home area (column 5, line 34 - column 6, line 28); c) recording the radio cell currently used for switching (column 4, lines 49-61); d) inherently determining urban network code and cell code (cell-ID) based on the recorded radio cell (column 4, lines 49-61); e) transmitting the urban

network code and cell code to a centralized point of the network unit and simultaneously storing address of the centralized point in a subscriber code (SIM) (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM user unit that includes a memory for data; f) determining location and local radius based on a file provided in a centralized point containing all radio cells; g) inherently generating a subscriber file within the centralized point, which is write protected (column 1, line 40 – column 2, line 3); h) inherently transmitting the location and local radius to the subscriber code module of the user unit (column 4, lines 1-11; column 5, lines 23-45; column 6, lines 39-43); and i) inherently updating the location and local radius stored in the user unit (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM user unit that includes the identification of the subscriber.

Regarding claim 48, the method according to claim 45, wherein Beliveau further discloses square of the local radius is inherently transmitted to a subscriber code module (SIM) in order to calculate the location point; wherein several methods of locating mobile stations in a cellular network are known and may be utilized with the personal home areas and the MSC collects the cell information (position, antenna type, and radius) to determine if the subscriber's call is set up in the Home area (column 4, lines 1-11; column 5, line 23-column 6, line 43).

Regarding claim 49, the method according to claim 45, wherein Beliveau further discloses a display indicates whether the user unit is located in the subscriber area; wherein the user unit is a GSM mobile phone in a GSM network wherein a display on the phone will show whether the subscriber is located within the subscriber area (column 4, lines 49-61; column 6, lines 59-61).

Regarding claim 50, the method according to claim 49, wherein Beliveau further discloses a check is performed to determine whether a new radio cell lies within a prescribed subscriber area (Figure 4, 34).

Regarding claim 51, the method according to claim 50, wherein Beliveau further discloses a display indicates which subscriber area is activated; wherein the user unit is a GSM mobile phone in a GSM network wherein a display on the phone will show whether the subscriber area has been activated (column 4, lines 49-61; column 6, lines 59-61).

Regarding claim 52, the method according to claim 43, wherein Beliveau further discloses incoming information is relayed if a user unit is located outside the subscriber area (Figure 4: 34, 36).

Regarding claim 53, the method according to claim 43, wherein Beliveau further discloses the subscriber areas can be stipulated repeatedly and/or with various radio cells (column 1, lines 30-46; column 4, lines 54-61).

Regarding claim 54, the method according to claim 43, wherein Beliveau further discloses two subscriber calls are inherently allocated for a subscriber area, e.g. a Home area (column 1, line 55 – column 2, line 3; column 4, lines 1-61; see claim 34 mentioned above).

#### ***Response to Arguments***

4. In regards to Applicant's arguments, see page 7, filed on July 19, 2004, with respect to the filing date of the drawings. Examiner acknowledges the drawings were filed on February 4, 2002.
5. In regards to Applicant's arguments, see pages 8-10, filed July 19, 2004, with respect to the rejection(s)of cancelled claim(s) 1-27 under 35 USC 102(b) being clearly anticipated by

Beliveau, Applicant states that the rejection should be traversed because: "...the predetermined overall area served by the network unit includes **at least one radio cell** transmitting a signal containing coordinates with a calculation performed to determine whether the coordinates of the radio cell responsible for the transmission lie within the subscriber area...". The Examiner disagrees. The cited reference clearly anticipates each and every claim. (Note: The above limitation was not recited in the listing of claims 1-27 received on February 4, 2002.)

Beliveau clearly discloses in a preferred embodiment in Figure 2, the predetermined overall area served by the network unit (see Figure 1) includes at least one radio cell (wherein in each MSC, each cell is assigned the geographic coordinates of the cell's base station) transmitting a signal containing coordinates, with a calculation performed to determine whether the coordinates of the radio cell responsible for the transmission lie within the subscriber area (see Figure 2; column 4, lines 49-61; column 5, lines 15-35). The amount of data is minimized since operators **do not** have to designate several cells instead of a single cell to represent the home area of some subscribers (column 5, lines 3-13).

Several methods of location mobile stations in a cellular network are known and may be utilized with the personal home areas of the claimed invention in the prior art comprising calculations including measuring signal strengths and propagation delay between the serving cell and neighboring cells and measuring time differences in times of arrival of mobile station transmissions at cell site base stations. However, the MSC of a radio cell collects the cell information (position (converted into latitude and longitude coordinates), antenna type, and radius) and determines if the subscriber's call is set up in the Home area (column 3, line 62 – column 4, line 61; column 5, line 46 – column 6, line 59).

In conclusion, the claimed invention is well met by the cited reference above, please see the rejections and response above.

6. Applicant's arguments with respect to claims 28-54 received on July 19, 2004 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or call:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

November 9, 2004

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600